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STATE FOR ISN/CB, VCI/CCB, L/ACV, IO/S
SECDEF FOR OSD/ISP
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (GOLDMAN)
NSC FOR DICASAGRANDE
WINPAC FOR WALTER

E.O. 12958: N/A

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP-UP FOR
WEEK ENDING AUGUST 25

This is CWC-72-06.

EXTENSION REQUEST -- DISCUSSIONS WITH RUSSIA

¶1. (U) Del reps delivered on August 23 the U.S. responses to Russian questions regarding the U.S. CW destruction program (formally received during the 46th Executive Council session), as well as a series of questions for Moscow related to Russia's CW destruction program and coordination with international donors. Reps met with Konstantin Gavrilov, the Russian head of delegation, who reiterated many of his points from a similar discussion earlier in the summer. He made it quite clear that while Moscow is not opposed to the concept of visits by an EC delegation to their destruction sites (or to Moscow), Russia will not reference such visits in its draft decision. Gavrilov suggested that modalities could be worked out independently of an EC decision, and that Moscow might accept a reference to the visits in EC-47 report language.

¶2. (U) Gavrilov also believes Moscow is opposed to any impact visits might have on the OPCW budget, and also to establishing a set frequency for the visits (i.e. annual) and would prefer to see visits triggered by "EC concern" or other, as yet undefined, criteria. Del reps expressed some concern over the potential this created for political mischief making, and pointed out that delegations would likely require a very clear definition of criteria. Finally, Gavrilov reaffirmed the Russian position that an extension request has already been granted, and that this is more a gesture of political goodwill than a necessity, indicating that Moscow is not overly concerned with approval of its decision. Based on further discussion, del read is that, despite current differences in approach, drafting a set of parameters acceptable to both the U.S. and Russia is certainly possible; the difficulty at EC-47 and CSP-11 will be in reaching agreement on an acceptable way of assuring delegations the visits will actually occur (i.e. report language versus decision text).

EXTENSION REQUEST - DISCUSSIONS WITH UK

13. (U) Del reps also met with the UK rep Mark Matthews on August 24 to provide a copy of U.S. questions on Russia's CW destruction, and discuss possible strategies for reaching consensus on extension requests in the fall. The UK del is exhibiting more flexibility than in the run-up to, and during, EC-46. To achieve the ultimate goal of visits to U.S. and Russian destruction facilities, London is likely to be flexible on parameters, and possibly decision text, provided a satisfactory arrangement can be worked out through the EC Chair.

14. (U) Matthews is still reluctant to support consultations or discussions on the draft decisions, but recommends that, if necessary, any such efforts be headed by South Africa in its role as EC Chair. Del reps also discussed which States Parties, in the end, might actually be willing to block the U.S. extension request. Although Russia and Iran are both potential candidates, discussions centered on Iran; U.S. and UK reps agreed that the timing/nature of any IAEA actions could impact Iran's inclination to use the political leverage of "U.S. non-compliance" in the CWC context.

CW POSSESSORS (OTHER STATES PARTIES)

15. (U) Del rep met with the Technical Secretariat Chemical Demilitarization Branch staff to discuss the status of CW destruction in the other possessor states. Of note was the fact that Maradykovsky is now operational. Although Russia is still working to complete its main operations building, August 17 evidently marked the movement of the first munitions into the ad hoc processing building, where

munitions that do not require draining of agent prior to neutralization can be processed. The TS estimates 80-90 munitions are being processed each day. The TS noted that, given the timing of Russia's 20% intermediate deadline and the fact that the incinerator at Maradykovsky is unlikely to be constructed in the next several months, a discussion on the end point of destruction is increasingly likely in the near future. Facility documents are unlikely to be available before October.

16. (U) The TS also stated that India has still not concluded its Facility Agreement. (Del comment: TS reps seemed unsure as to whether the delay was due to summer holidays, or lingering concerns in New Delhi.) Del will follow up with the Indian del and TS in the coming weeks. Del continues to work with the Albanian delegation and the TS to ensure next steps taken prior to beginning of destruction at Qaf Molla are successful. The TS is prepared for a Final Engineering Review in early October, and agrees with the U.S. suggestion to compress the normal schedule, due to the relative simplicity of the facility. Del will also work with Washington and the Albanian delegation on submission of an extension request for Albania's intermediate destruction deadlines.

ARTICLE VII

17. (U) Facilitator Maarten Lak (Netherlands) held an August 24 consultation on Article VII, to discuss his proposed program of work as well as potential elements for EC-47 report language. (Note: the consultation was lightly attended, due to the vacation schedules of a number of delegates.) The UK -- supported by Austria, China, Croatia, France, Germany, Iran, Japan, New Zealand, and Spain -- requested that first delegations be briefed by the TS on the current status of implementation (Note: a status report dated August 15, 2006 was faxed back to ISN/CB). Delegations noted their opinions that September 7 is too early to disseminate the progress report for the November EC: a detailed briefing would be preferable at this juncture. After much discussion,

Lak agreed to contact Legal Advisor Onate, shortly after Onate's return from his leave on September 1. Lak noted that the progress report would be distributed the first week of September, but that it would be updated regularly between then and EC-47.

¶18. (U) With respect to the substance, Lak summarized his suggestion that objective indicators be established for legislation, e.g., when the TS receives a draft for review, when a draft goes to Parliament, and when a draft is enacted and published. New Zealand cautioned Lak, noting that the Convention does not require a State Party to submit its legislation for review, and in some instances submission is unnecessary, citing the drafts developed by Pacific Island Forum states in conjunction with former Secretariat lawyer Keith Wilson.

¶19. (U) Lak also suggested defining three groups of states: those that have done nothing, those that are drafting but will not finish the process before CSP-11, and those that are drafting but will finish after CSP-11. Japan noted that it found this idea interesting. Japan, supported by China, also noted its concern with the facilitator's proposal to have the Director General and the EC Chair reach out to implementing states, wondering how it would work and whether it would be cost effective. South Africa noted the interrelation of Article VII outreach activities and the budget, wondering how outreach efforts would be funded. China emphasized that there should be no "naming and shaming."

¶10. (U) Iran questioned whether the facilitator's paper should be the basis for our discussion. If so, delegations need another round of discussion, to ensure that all interested delegations are able to participate. Furthermore, Iran asked delegations to bring their views early in the process, in order to avoid waiting until the last minute, as has been the recent practice. Spain suggested that the facilitator should be holding continual bilateral discussions

and only having an informal consultation to allow delegations to bring broad views on the ongoing discussions.

¶11. (U) The U.S. delegation noted that it would be too early to refer the implementation issue to the Second Review Conference at this point; we have another year to effect progress. All other delegations supported this view, although China noted that perhaps it might be best to simply refer to the fact that this may be an item for the RevCon, adding that referring Article VII to the RevCon might imply that there is no expectation of any further progress on this matter.

UPCOMING BUDGET CONSULTATIONS

¶12. (U) Del rep meet with Rick Martin, the Head of the Budget and Finance Branch, to discuss the upcoming budget consultations. In response to U.S. concerns regarding the restrictive language in the budget concerning Technical Assistance Visits (TAVs), Martin said he believed the Implementation Support Branch (IPB) had intentionally slipped the language into the budget authorizing "up to 10 TAVs" in ¶2007. Martin said that in his view the best way to address the problem was quietly through the budgetary process. Martin said that he would discuss the issue with the Legal Advisor and then would probably be inclined to issue an information paper calling for, among other changes, replacing the "up to 10 TAVs" language in the budget with language allowing for more TAVs.

¶13. (U) Martin cautioned that it would probably be better to have the TS propose the change than have the U.S. raise the issue in open consultations, as this could potentially lead to horse trading on other unrelated issues such as OCPF inspections. Martin also strongly suggested that it would be counterproductive to raise this issue directly with individuals in IPB, as they had drafted the problematic language. He promised to quietly work with del to resolve

the issue and to report back after his meeting with the Legal Advisor.

¶14. (U) Martin said that program managers would have a fair amount of discretion on how to use the funding proposed for the two temporary P-2 positions intended to support TAVs. The money could be used to hire two P-2s, to fund trips by other external experts, or to hire one P-4. This essentially would be an issue to be sorted out by the Legal Advisor's office and IPB, and possibly the director of ICA. He said that there was limited enthusiasm in the Legal Advisors Office for using the external network of legal experts, as the TS has had limited success with using the network in the past.

¶15. (U) On the question of increased funding for childcare at the OPCW, Martin said this was not a new entitlement but simply an increase of 30,000 Euros in the existing budget to reflect increased costs.

¶16. (U) Martin took the point that the language in table 9 of the budget concerning Article VII implementation should probably read, "Active engagement during the year between the OPCW and 100% of Member States that have yet to designate or establish a National Authority." IPB had proposed that 75% be used instead of 100%. Martin's view was this could probably be best addressed in the budget consultations.

¶17. (U) On the 2004 cash surplus, Martin said that this would likely be returned to SPs on or about December 10, 2006. The money would first be credited towards any outstanding 2006 assessment payments and then could be applied towards Article IV and V payments, and finally the 2007 assessment. This will likely mean that most of the surplus refunded to the U.S. will go towards our outstanding 2006 assessed contribution.

¶18. (U) Ito sends.

BLAKEMAN